

The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



THURSDAY, MAY 21, 2009.

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JOURNAL OF THE HOUSE.

Thursday, May 21, 2009.

Met according to adjournment at eleven o'clock A.M., in an Informal Session, Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Barrows of Mansfield) congratulating Timothy Loftus on receiving the Eagle Award of the Boy Scouts of America;

Timothy
Loftus.

Resolutions (filed by Mr. Barrows of Mansfield) congratulating Patrick Mitchell on receiving the Eagle Award of the Boy Scouts of America;

Patrick
Mitchell.

Resolutions (filed by Mr. Barrows of Mansfield) congratulating Thomas Scott on receiving the Eagle Award of the Boy Scouts of America; and

Thomas
Scott.

Resolutions (filed by Mr. Galvin of Canton) congratulating William M. Griffin on the occasion of his retirement as principal for the Canton Public Schools;

William
M. Griffin.

Mr. Binienda of Worcester, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the Rules, in each instance, on motion of Mr. Garballey of Arlington, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

A petition (accompanied by bill, House, No. 4121) of David M. Nangle for legislation to include New England Police Benevolent Association, Inc, I.U.P.A., Local 9000, AFL-CIO, in the Joint Labor-Management Committee (having been returned by the State Secretary with a letter indicating that it is not subject to the provisions of Section 5 or Section 7 of Chapter 3 of the General Law) was referred, under Rule 24, to the committee on Public Service. Sent to the Senate for concurrence.

N.E. Police
Benevolent
Association, Inc.

Petitions (having been deposited in the office of the Clerk previously five o'clock P.M., on Friday, January 16, 2009) were presented, and referred, as follows:

By Mr. Bradley of Hingham, petition (subject to Joint Rule 7B) of Garrett J. Bradley (requiring the vote of the town) authorizing the town of Cohasset to grant certain interests in land.

HD2273
Cohasset,—
land.

By Mr. Finegold of Andover, petition (subject to Joint Rule 7B) of Barry R. Finegold and David M. Torrissi (requiring the approval of the mayor and city council) for legislation to require voters in the city of Lawrence to present certain identification at polling places.

HD1334
Lawrence,—
voter identification.

By Mr. Flynn of Bridgewater, petition (subject to Joint Rule 7B) of David L. Flynn and Marc R. Pacheco (requiring the approval of the mayor and city council) for legislation to establish a development revolving fund in the town of Raynham.

HD1849
Raynham,—
development fund.

By Mr. Fresolo of Worcester, petition (subject to Joint Rule 7B) of John P. Fresolo and David Holway (requiring the approval of the mayor and city council of the city of Boston) that police officers of the Boston Housing Authority be subject to the provisions of civil service law.

HD3898
Boston Housing
Authority police.

By the same member, petition (subject to Joint Rule 7B) of John P. Fresolo (requiring the approval of the mayor and city council) relative to providing for the abatement of certain taxes on property located in the city of Worcester damaged by sewerage backups caused by the floods of October 15, 2005.

HD3281
Worcester,—
tax abatement.

By Mr. Kocot of Northampton, petition (subject to Joint Rule 7B) of Peter V. Kocot (requiring the approval of the mayor and city council) that the city of Northampton be authorized to impose a local excise upon the transfer of occupancy of rooms in bed and breakfast establishments, hotels, lodging homes or motels located in said city.

HD3403
Northampton,—
room excise.

By Mr. Lantigua of Lawrence, petition (subject to Joint Rule 7B) of William Lantigua (requiring the approval of the mayor and city council) that the city of Lawrence be authorized to regulate the rents of certain governmentally-involved housing.

HD2026
Lawrence,—
rent control.

By Mr. Madden of Nantucket (by request), petition (subject to Joint Rule 7A) of Joann DeBettencourt (requiring the approval of the county commissioners) relative to authorizing the contributory retirement system of the county of Dukes County to recalculate the retirement benefits of Joann DeBettencourt.

HD3327
Dukes County,—
Joann
DeBettencourt.

By Mr. McMurtry of Dedham, petition (subject to Joint Rule 7A) of Paul McMurtry (requiring the approval of the county commissioners) for legislation to direct the Norfolk County Retirement Board to grant creditable service to employees of the Dedham-Westwood Water District.

HD3083
Dedham-Westwood
Water District.

By the same member, petition (subject to Joint Rule 7A) of Paul McMurtry (requiring the approval of the county commissioners) relative to early retirement options for public employees in Norfolk County.

HD3090
Norfolk County,—
early retirement.

By Mr. Moran of Boston, petition (subject to Joint Rule 7B) of Michael J. Moran, Thomas M. Menino (mayor) and others (requiring the approval of the city council) relative to the certification of fire fighters of the city of Boston.

HD3114
Boston,—fire
fighters.

By Mr. Naughton of Clinton, petition (subject to Joint Rule 7B) of Harold P. Naughton, Jr., and others (requiring the vote of the town) that

HD3479
Clinton,—liquor

the town of Clinton be authorized to issue three additional licenses for the sale of all alcoholic beverages to be drunk on the premises.

By Mrs. Poirier of North Attleborough, petition (subject to Joint Rule 7B) of Elizabeth Poirier and others (requiring the vote of the town) for legislation to include certain long-term units in the town of Norton in calculating affordable housing.

By the same member, petition (subject to Joint Rule 7B) of Elizabeth Poirier (requiring the vote of the town) relative to authorizing the appointment of William Fontaine as a police officer in the town of North Attleborough, notwithstanding the maximum age requirements.

By the same member, petition (subject to Joint Rule 7B) of Elizabeth Poirier (requiring the vote of the town) authorizing the appointment of Craig Carley as a police officer in the town of North Attleborough, notwithstanding the maximum age requirements.

By Mr. Puppolo of Springfield, petition (subject to Joint Rule 7A) of Angelo J. Puppolo, Jr., and Gale D. Candaras that the Hampden County Regional Retirement Board be authorized to retire Officer Christopher Doyle of the Wilbraham Police Department.

By Mr. Quinn of Dartmouth, petition (subject to Joint Rule 7B) of John F. Quinn and Joan M. Menard (requiring the vote of the town) that the town of Lakeville be authorized to pay benefits to the survivors of call fire fighters and reserve police officers

By Mr. Timilty of Milton, petition (subject to Joint Rule 7B) of (requiring the vote of the town) relative to low and moderate income housing in the town of Milton.

By Mr. Toomey of Cambridge, petition (subject to Joint Rule 7B) of Timothy J. Toomey, Jr. (requiring the approval of the mayor and city council) authorizing a long term lease between the city of Cambridge and the Mount Auburn Memorial Post No. 8818, Veterans of Foreign Wars, Inc.

By the same member, petition (subject to Joint Rule 7B) of Timothy J. Toomey, Jr. (requiring the approval of the mayor and city council) relative to fines for failure to remove snow and ice from sidewalks in the city of Cambridge.

By Mr. Turner of Dennis, petition (subject to Joint Rule 7B) of Demetrius J. Atsalis and others (requiring the vote of the town) relative to the development of the Yarmouth Marina in the town of Yarmouth.

By the same member, petition (subject to Joint Rule 7B) of Cleon H. Turner and others (requiring the vote of the town) for legislation to amend the charter of the town of Yarmouth.

By the same member, petition (subject to Joint Rule 7B) of Cleon H. Turner and Robert A. O'Leary (requiring the vote of the town) that the town of Brewster be authorized to impose a room occupancy tax in said town.

By Representative Turner of Dennis and Senator O'Leary, joint petition (subject to Joint Rule 7B) of Cleon H. Turner and Robert A. O'Leary (requiring the vote of the town of Dennis) for legislation to authorize the Dennis Water District to construct and maintain a system for sewage collection treatment and discharge.

By Mr. Vallee of Franklin, petition (subject to Joint Rule 7B) of James E. Vallee (requiring the approval of the town council) that the

licenses.

HD2741
Norton,—
housing.

HD3068
North
Attleborough,—
William Fontaine.

HD3071
North
Attleborough,—
Craig Carley.

HD2587
Wilbraham,—
Christopher Doyle.

HD3595
Lakeville,—
safety officer
benefits.

HD3094
Milton,—
housing.

HD2012
Cambridge,—
VFW Post 8818.

HD2267
Cambridge,—
snow and ice
removal.

HD2755
Yarmouth Marina.

HD3506
Yarmouth,—
charter.

HD3508
Brewster,—
room excise.

HD1389
Dennis Water
District.

HD2657
Franklin,—

town of Franklin be authorized to appropriate funds for the removal of overhead utilities and providing for the underground placement of such utilities.

By the same member, petition (subject to Joint Rule 7B) of James E. Vallee (requiring the approval of the town council) that the town of Franklin be authorized to creditable service to Gary McGarrahar for retirement purposes.

By Mr. Walsh of Boston, petition (subject to Joint Rule 7B) of Martin J. Walsh, Carlo P. Basile and Thomas M. Menino (mayor) (requiring the approval of the city council) that the city of Boston be authorized to exercise certain powers of local self government relative to revenue

Severally, under Rule 24, to the committee on Rules.

Petitions severally were presented and referred, as follows:

By Mr. Binienda of Worcester, petition (subject to Joint Rule 12) of John J. Binienda for legislation to designate Chapter 397 of the Acts of 2008, relative to the licensing of school bus drivers, as "Darnell's Law".

By Mr. Bradley of Hingham, petition (subject to Joint Rule 12) of Garrett J. Bradley relative to motorcycle noise.

By Mr. Cantwell of Marshfield, petition (subject to Joint Rule 12) of James M. Cantwell that the teacher's retirement board grant Kathleen E. Harvey certain creditable service for retirement purposes for work performed at Framingham State College.

By Ms. Coakley-Rivera of Springfield, petition (subject to Joint Rule 12) of Cheryl Coakley-Rivera and Cory Atkins relative to the posting of certain inspection information at restaurants.

By the same member, petition (subject to Joint Rule 12) of Cheryl Coakley-Rivera for legislation to require automated external defibrillator in facilities serving children and the elderly.

By Mr. Conroy of Wayland, petition (subject to Joint Rule 12) of relative to real estate tax deferral and recovery agreements.

By Representative Dempsey of Haverhill and Senator Morrissey, joint petition (subject to Joint Rule 12) of Brian S. Dempsey and Michael W. Morrissey relative to establishing a renewable portfolio standard for new baseload low cost renewable energy.

By Mr. Donelan of Orange, petition (subject to Joint Rule 12) of Christopher J. Donelan relative to establishing a sick leave bank for Lisa Martinello, employee of the Department of Mental Retardation.

By the same member, petition (subject to Joint Rule 12) of Christopher J. Donelan and Stephen M. Brewer relative to privacy of certain daily police logs.

By Mr. Evangelidis of Holden, petition (subject to Joint Rule 12) of Lewis G. Evangelidis relative to creditable service for retirement purposes for certain persons employed in affiliation with the University of Massachusetts Medical School.

By Representatives Evangelidis and Polio of Shrewsbury, petition (subject to Joint Rule 12) of Lewis G. Evangelidis and Karyn E. Polito relative to sick days for employees of the Commonwealth.

By the same member, petition (subject to Joint Rule 12) of Lewis G. Evangelidis and others for an investigation by a special commission

utility wires.

HD2677
Franklin,—
Gary McGarrahar.

HD3402
Boston,—
revenue powers.

HD4009
"Darnell's Law".

HD4284
Motorcycle noise.

HD4017
Kathleen E.
Harvey,—
retirement.

HD3984
Restaurants,—
information.

HD3988
Defibrillators.

HD4274
Real estate taxes.

HD4258
Baseload energy,—
standards.

HD3981
Lisa Martinello,—
sick leave bank.

HD4289
Police logs,—
privacy.

HD4010
UMass Medical
School,—
retirement.

HD4250
State employees,—
sick leave.

HD4268
Non-profits,—

(including members of the General Court) of non-profit tax exempt corporations in the Commonwealth.

By Mr. Fennell of Lynn, petition (subject to Joint Rule 12) of Robert F. Fennell for legislation to establish a sick leave bank for Jocelyn Burns, an employee of the Trial Court.

By Mr. Flynn of Bridgewater, petition (subject to Joint Rule 12) of David L. Flynn for an investigation by a special commission (including members of the General Court) relative to the participation of the Commonwealth in the social security system.

By the same member, petition (subject to Joint Rule 12) of David L. Flynn relative to retirement system funding schedules.

By the same member, petition (subject to Joint Rule 12) of David L. Flynn relative to retirement system funding schedules.

By the same member, petition (subject to Joint Rule 12) of David L. Flynn relative to retirement system funding schedules.

By the same member (by request), petition (subject to Joint Rule 12) of Edward Given and William Stevens relative to civil commitments.

By Mr. Garballey of Arlington (by request), petition (subject to Joint Rule 12) of Deborah Butler relative to the protection of children in need of services.

By the same member, petition (subject to Joint Rule 12) of Nathan L. Goldschlag, Sean Garballey and others relative to the transfer of the militia to federal control.

By the same member, petition (subject to Joint Rule 12) of Sean Garballey that buyers of certain residential dwellings be provided with information outlining the procedures and benefits of a home energy audit.

By Ms. Gobi of Spencer, petition (subject to Joint Rule 12) of Anne M. Gobi for legislation to establish a sick leave bank for Denise Goodreau, an employee of the Department of Mental Retardation.

By Mrs. Haddad of Somerset, petition (subject to Joint Rule 12) of Patricia A. Haddad and others relative to the purchase of flags substantially manufactured in the United States.

By Mr. Humason of Westfield, petition (subject to Joint Rule 12) of Donald F. Humason, Jr., and Michael R. Knapik relative to criminal proceedings against certain juveniles involved in vehicular homicides.

By Mr. Jones of North Reading, petition (subject to Joint Rule 12) of Bradley H. Jones, Jr., and others relative to assisting cities and towns with unfunded obligations associated with snow and ice control.

By Mr. Keenan of Salem, petition (subject to Joint Rule 12) of John D. Keenan and Jennifer M. Callahan relative to certain municipally owned buildings and enhancing the Cultural Facilities Fund.

By the same member, petition (subject to Joint Rule 12) of John D. Keenan that the Department of Highways erect and maintain suitable markers on Route 1A and Route 114 designating the city of Salem as the birthplace of the National Guard.

By Mr. Kujawski of Webster, petition (subject to Joint Rule 12) of Paul Kujawski relative to the pricing of grocery and retail items.

By the same member, petition (subject to Joint Rule 12) of Paul Kujawski relative to clarifying deductions that can be made from private long term disability insurance plans.

taxation.

HD4271
Jocelyn Burns,—
sick leave bank.

HD4252
State employees,—
social security.

HD4280
Retirement funding.

HD4281
Id.

HD4282
Id.

HD3983
Civil commitments.

HD4279
Children,—
protection.

HD4247
Militia,—
federal control.

HD4265
Energy audits,—
information.

HD4016
Denise Goodreau,—
sick leave bank.

HD4254
Flags,—
origin.

HD4257
Juveniles,—
vehicle homicide.

HD4024
Snow and ice,—
local aid.

HD3995
Cultural facilities,—
enhancement.

HD4277
Salem,—
National Guard
markers.

HD4022
Pricing,—regulate.

HD3994
Disability insurance.

By the same member, petition (subject to Joint Rule 12) of Paul Kujawski relative to the fees for records of hospital patients.

HD3993
Patients,—records.

By Mr. Kulik of Worthington, petition (subject to Joint Rule 12) of Stephen Kulik and others for legislation to establish a health care outreach and education unit within the Executive Office of Health and Human Services.

HD3985
Health care,—
education.

By Mr. Linsky of Natick, petition (subject to Joint Rule 12) of David Paul Linsky for legislation to require insurance coverage for registered nurse first assistant services in insurance policies and health service contracts issued in the Commonwealth.

HD3990
Nurse assistants,—
insurance coverage.

By Mr. Miceli of Wilmington, petition (subject to Joint Rule 12) of James R. Miceli and Jayne Miller relative to insurance coverage for dyslexia and language based learning disorders.

HD4014
Dyslexia, etc.,—
insurance.

By the same member, petition (subject to Joint Rule 12) of James R. Miceli and Peter Amari relative to the commitment of alcoholics or substance abusers.

HD4012
Substance
abusers,—
commitment.

By the same member, petition (subject to Joint Rule 12) of James R. Miceli and Patrick J. Legro authorizing the Personnel Administrator of the Human Resources Division to accept the application of Patrick J. Legro for a civil service examination for police officer notwithstanding the minimum age requirement.

HD4013
Patrick J. Legro,—
police examination.

By Mr. Murphy of Weymouth, petition (subject to Joint Rule 12) of James M. Murphy for legislation to require that Registrar of Motor Vehicles collect emergency contact information from certain persons.

HD4033
Registry,—
information.

By Mr. Patrick of Falmouth, petition (subject to Joint Rule 12) of Matthew C. Patrick and Timothy R. Madden for the issuance by the Registrar of Motor Vehicles of distinctive registration plates displaying the logo of the Woods Hole Oceanographic Institution.

HD4283
Woods Hole
Institute,—
license plate.

By Mr. Pignatelli of Lenox, petition (subject to Joint Rule 12) of William Smitty Pignatelli and others relative to providing for medical coverage for acupuncture treatments.

HD3992
Acupuncture,—
insurance.

By the same member, petition (subject to Joint Rule 12) of William Smitty Pignatelli relative to small claims procedure.

HD4259
Small claims.

By Mrs. Poirier of North Attleborough, petition (subject to Joint Rule 12) of Elizabeth Poirier and others that county commissioners and the sheriffs for the various counties institute a schedule of fees and assess fees to inmates in their custody.

HD3997
Inmates,—fees.

By Mr. Rush of Boston, petition (subject to Joint Rule 12) of Michael F. Rush and Thomas M. Menino relative to reimbursement by the Health Safety Net Trust Fund to certain large municipalities for the cost of public emergency medical services.

HD4032
Cities,—emergency
medical services.

By the same member, petition (subject to Joint Rule 12) of Michael F. Rush relative to the retirement benefit for Cecilia Davlin the surviving former wife of James Davlin.

HD4255
Cecilia Davlin,—
retirement benefits.

By Mr. Scaccia of Boston, petition (subject to Joint Rule 12) of Angelo M. Scaccia and others relative to designating a certain intersection on Turtle Pond Parkway in the Hyde Park district of the city of Boston as Paul P. Loring Square.

HD4256
Hyde Park,—
Loring Square.

By Ms. Stanley of West Newbury, petition (subject to Joint Rule 12) of Harriett L. Stanley relative to the rights of maternity patients to

HD4011
Maternity,—feeding
options.

be informed of feeding options by admitting hospitals.

By the same member (by request), petition (subject to Joint Rule 12) of Greg A. Labrecque relative to regional school budgets.

By Mr. Turner of Dennis, petition (subject to Joint Rule 12) of Cleon H. Turner relative to drug and alcohol testing under the law relative to driving under the influence.

By Representative Vallee of Franklin and Senator Brown, joint petition (subject to Joint Rule 12) of James E. Vallee, Scott P. Brown and another relative to enforcement of protections for crime victims.

By Mr. Vallee of Franklin, petition (subject to Joint Rule 12) of James E. Vallee for legislation to establish a sick leave bank for Amy Lee Stahl, an employee of the Department of Mental Retardation.

By the same member, petition (subject to Joint Rule 12) of James E. Vallee for legislation to prohibit certain sex offenders from employment or volunteer service involving children.

By Mr. Webster of Pembroke, petition (subject to Joint Rule 12) of Daniel K. Webster relative to promoting education and access to medical care for persons with Lyme disease.

Severally, under Rule 24, to the committee on Rules.

HD4263
Regional schools.

HD4248
Drunken driving.

HD4291
Crime victims,—
protection.

HD4276
Amy Lee Stahl,—
sick leave bank.

HD3989
Sex offenders.

HD4019
Lyme disease.

Paper from the Senate.

The House Bill establishing a sick leave bank for Geraldine Egan, an employee of the Department of Public Health (House, No. 4048) came from the Senate passed to be engrossed, in concurrence, with an amendment adding the following sentence: "Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the department." (as changed by the House committee on Bills in the Third Reading).

Geraldine
Egan,—
sick leave.

Under suspension of Rule 35, on motion of Ms. Richardson of Framingham, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Report of Committees.

By Mr. Honan of Boston, for the committee on Housing, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3572) of Kevin G. Honan relative to land use regulations and housing development,— and recommending that the same be referred to the committee on Municipalities and Regional Government. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Housing
development and
land use.

Order.

On motion of Mr. DeLeo of Winthrop,—

Ordered, That when the House adjourns today, it adjourn to meet

Next

the following Tuesday at eleven o'clock A.M.

sitting.

At eight minutes after eleven o'clock A.M., on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Tuesday at eleven o'clock A.M., in an Informal Session.